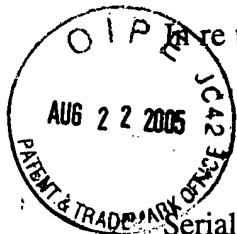


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1764/17u/



Are the Patent Application of

Ronald D. Key
William G. Brown

Serial No. 09/931,218

Filed: August 16, 2001

For: APPARATUS FOR C2 RECOVERY

Art Unit 1764

PETITION UNDER 37 C.F.R 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COME NOW the Applicants and the Petition the Director to withdraw the holding of abandonment on the ground that the document which was allegedly not filed was in fact filed, albeit with the wrong serial number.

Attached hereto the Director will please find, as Exhibit A, a copy of the Office Action dated August 10, 2005, holding that the application was abandoned because no reply had been received.

Also attached is a copy, as Exhibit B, of the Election Response which was, in fact, filed in the Patent and Trademark Office on November 8, 2004 as evidenced by Applicants' return postcard, attached hereto as Exhibit C.

Finally, Applicants attach a copy of Exhibit D which is the Office Action (requirement for restriction) dated October 5, 2004, the Office Action to which no response was allegedly made.

REMARKS

The paper entitled "Election Response" (Exhibit B) is correct in most respects; the only error occurs in the last digit of the serial number which should have been "8" but which is

erroneously typed as "3". The names of the Inventors are correct, the filing date is correct and the title of the application is correct.

On August 18, 2005, the undersigned attorney talked to someone in the Petitions section of the Patent Office and the Petitions Attorney advised the undersigned that she had checked the file of 09/931,213 (or equivalent source) and located the actual misfiled document. However, this same Petitions Attorney advised the undersigned to proceed under Section 1.181 of Title 37.

On August 19, 2005, the undersigned talked to a Glen Caldurola, the SPRE for Art Unit 1764 and advised him of the particulars in this case and, therefore, Mr. Caldurola is expecting that these papers will ultimately be forwarded to him.

Applicants are under the impression that no fee is required for this Petition; however, if Applicants are incorrect, the Commissioner and/or Director is hereby authorized to charge any fee to Deposit Order Account No. 01-1410.

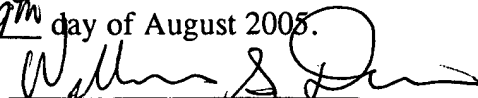
Respectfully submitted,



William S. Dorman
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Honorable Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of August 2005.





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,218	08/16/2001	Ronald D. Key		3801

7590 08/10/2005
William S. Dorman
Suite 830
406 S. Boulder
Tulsa, OK 74103

EXAMINER

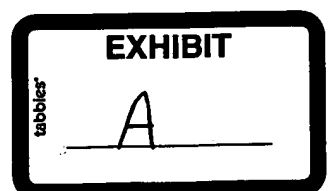
NGUYEN, TAM M

ART UNIT PAPER NUMBER

1764

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/931,218

Examiner

Tam M. Nguyen

Applicant(s)

KEY ET AL.

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 October 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.